

JOURNAL OF THE HOUSE

VETO SESSION

First Regular Session, 92nd GENERAL ASSEMBLY

FIRST DAY, WEDNESDAY, SEPTEMBER 10, 2003

Speaker Hanaway in the Chair.

There was a moment of silent prayer in memory of Representative Ray Adams.

The Pledge of Allegiance to the flag was recited.

SPECIAL RECOGNITIONS

Mary June Temmen was introduced by Representative Bruns and recognized as an Outstanding Missourian.

Joyce Mace was introduced by Representative Cooper (155) and recognized as an Outstanding Missourian.

HOUSE RESOLUTION

Representative Crowell offered **House Resolution No. 1** which was read.

HOUSE RESOLUTION NO. 1

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-second General Assembly, First Regular Session, inform the Governor and the Senate that the House is duly convened and is now in session in the 2003 Constitutional Veto Session and ready for consideration of business.

Representative Crowell moved that Rule 59 be suspended to allow for the adoption of **House Resolution No. 1**.

Which motion was adopted by the following vote:

AYES: 153

Abel	Angst	Avery	Baker	Barnitz
Bean	Behnen	Bishop	Bivins	Black
Bland	Bough	Bringer	Brooks	Brown
Bruns	Burnett	Byrd	Campbell	Cooper 120
Cooper 155	Corcoran	Crawford	Crowell	Cunningham 145
Cunningham 86	Curls	Darrough	Daus	Davis 122

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Davis 19	Deeken	Dempsey	Dethrow	Dixon
Donnelly	Dougherty	Dusenberg	El-Amin	Emery
Engler	Ervin	Fares	Fraser	Goodman
Graham	Guest	Hampton	Harris 110	Haywood
Henke	Hilgemann	Hobbs	Holand	Hoskins
Hubbard	Hunter	Icet	Jackson	Jetton
Johnson 47	Johnson 61	Johnson 90	Jolly	Jones
Kelly 144	Kelly 36	King	Kingery	Kratky
Kuessner	Lager	Lawson	Lembke	LeVota
Liese	Lipke	Lowe	Luetkemeyer	Marsh
May	Mayer	McKenna	Meiners	Miller
Moore	Morris	Muckler	Munzlinger	Myers
Nieves	Page	Parker	Pearce	Phillips
Portwood	Pratt	Purgason	Quinn	Ransdall
Rector	Reinhart	Richard	Roark	Ruestman
Rupp	Salva	Sander	Schaaf	Schlottach
Schneider	Schoemehl	Seigfreid	Selby	Self
Shoemaker	Shoemyer	Smith 118	Smith 14	Spreng
St. Onge	Stefanick	Stevenson	Sutherland	Taylor
Thompson	Threlkeld	Townley	Viebrock	Villa
Vogt	Wagner	Walker	Wallace	Walsh
Walton	Ward	Wasson	Whorton	Wildberger
Willoughby	Wilson 119	Wilson 130	Wilson 25	Wilson 42
Witte	Wood	Wright	Yaeger	Yates
Young	Zweifel	Madam Speaker		

NOES: 003

Green	Sager	Skaggs
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PRESENT: 000

ABSENT WITH LEAVE: 005

Bearden	Boykins	Carnahan	George	Harris 23
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VACANCIES: 002

On motion of Representative Crowell, **House Resolution No. 1** was adopted.

MESSAGES FROM THE GOVERNOR

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, MO 65101

May 30, 2003

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Conference Committee Substitute for Senate Committee Substitute for House Substitute for House Bill No. 2** entitled:

"AN ACT"

To appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and of the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds the period beginning July 1, 2003 and ending June 30, 2004.

I disapprove of **Conference Committee Substitute for Senate Committee Substitute for House Substitute for House Bill No. 2**. My reasons for disapproval are as follows:

This bill reduce state aid to our public schools in unacceptable levels. Since a significant percentage of the foundation program supports teacher salaries, such a cut is like to result in the layoff of 3,400 school employees, including 2,038 teachers across the state. The elimination of the Science, Social Studies, and Health Education assessments is a step backward in accountability of Missouri schools. Without these assessments, the department and local school districts will be unable to determine how well students are performing in these important subject areas. Our children are our future. Reduced funding for education jeopardizes our commitment to and the progress we have made toward providing quality education to our children. We must protect the state's investment in education.

For all of the above reasons for disapproval, I am returning **Conference Committee Substitute for Senate Committee Substitute for House Substitute for House Substitute for House Bill No. 2** without my approval.

Respectfully submitted,

/s/ Bob Holden
Governor

May 30, 2003

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Conference Committee Substitute for Senate Committee Substitute for House Substitute for House Bill No. 3** entitled:

"AN ACT"

To appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

I disapprove of **Conference Committee Substitute for Senate Committee Substitute for House Substitute for House Bill No. 3**. My reasons for disapproval are as follows:

This bill reduces state aid to Missouri's two- and four-year colleges and universities to unacceptable levels. Under this bill, tuition and fees would increase at an average rate of approximately 10%, forcing a "tax increase" on low- and middle-income families. The reductions to various grant and scholarship programs will further reduce the availability of higher education opportunities. Families with lower and middle incomes may no longer be able to afford the cost of college. Due to the multiplier effect of these cuts to higher education institutions on their local and regional economies, the negative economic impact could result in additional reductions of \$50-\$150 million in these communities and regions.

For all of the above stated reasons for disapproval, I am returning **Conference Committee Substitute for Senate Committee Substitute for House Substitute for House Bill No. 3** without my approval.

Respectfully submitted,

/s/ Bob Holden
Governor

May 30, 2003

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Conference Committee Substitute for Senate Committee Substitute for House Substitute for House Bill No. 10** entitled:

"AN ACT"

To appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee and the Commission for the Missouri SeniorRx Program to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2003 and ending June 30, 2004.

I disapprove of **Conference Committee Substitute for Senate Committee Substitute for House Substitute for House Bill No. 10**. My reasons for disapproval are as follows:

This bill reduces services to our most vulnerable citizens. Under this bill, treatment and services for 3,200 mentally-ill adults, 800 emotionally-disordered children, and 5,800 persons with a development disability will be reduced or eliminated. Substance abuse and treatment services will also be reduced or eliminated for 7,200 Missourians. In addition, it eliminates women's health services, which are often the only primary health care services provided to over 30,000 low-income women. We cannot pretend that the need to serve and protect these citizens has disappeared merely because the dollars that fille the need have been cut.

For all of the above stated reasons for disapproval, I am returning **Conference Committee Substitute for Senate Committee Substitute for House Substitute for House Bill No. 10** without my approval.

Respectfully submitted,

/s/ Bob Holden
Governor

May 30, 2003

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI:

Herewith I return to you **Conference Committee Substitute for Senate Committee Substitute for House Substitute for House Bill No. 11** entitled:

"AN ACT"

To appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2003 and ending June 30, 2004.

I disapprove of **Conference Committee Substitute for Senate Committee Substitute for House Substitute for House Bill No. 11**. My reasons for disapproval are as follows:

This bill reduces support and critical services the people who need it the most. About 13,000 low income working adults will lose healthcare coverage due to reductions in the Medicaid program. This reduction could lead to an increase in more costly emergency room visits and unhealthy parents who may become unable to care for their children. The CHOICES program, which assists 1, 020 foster care youth between the ages of 13 and 15 in becoming responsible adults, will be eliminated. Grandparents raising their grandchildren will have an additional financial burden due to lower reimbursement rates under the Grandparents as Foster Parents Program. The state's effort to help eliminate violence in the home will be hampered because of reductions in Domestic Violence grants. Reduced support for community services will hurt welfare recipients' ability to achieve self-sufficiency. Community Partnerships have been productive in leveraging local and federal funds to address the social problems of their communities. These essential services are necessary to protect our most vulnerable citizens. The bill also reduces funding for Medicaid programs that are not connected to any cost-savings policy or statutory change. These reductions are not sustainable and must be restored to achieve a balanced budget.

For all of the above state reasons for disapproval, I am returning **Conference Committee Substitute for Senate Committee Substitute for House Substitute for House Bill No. 11** without my approval.

Respectfully submitted,

/s/ Bob Holden
Governor

July 9, 2003

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI:

Herewith I return to you **House Substitute for House Committee Substitute for House Bill No. 156**, entitled:

"AN ACT"

To repeal section 188.039, RSMo, and to enact in lieu thereof two new sections relating to a twenty-four hour waiting period for certain medical procedures, with an effective date for a certain section.

I disapprove of House Substitute for **House Committee Substitute for House Bill No. 156**. My reasons for disapproval are as follows:

Missouri law already ensures that women who wish to receive an abortion give their informed consent to a physician prior to the procedure. See section 188.039, RSMo. There is no indication that current law is in any way ineffective or incomplete on this subject. This legislation, which rewrites the law concerning informed consent and forces women who make the informed choice to receive an abortion to wait 24 hours before having the abortion, does nothing more than restrict a woman's right to choose to have a legal, constitutionally-protected procedure.

Furthermore, the bill has the effect of limiting information that a woman should have before proceeding with an abortion. The bill deletes current sections of law that require a physician to inform a women of "material facts or opinions ... which, in the exercise of his best medical judgment is reasonably necessary to allow the woman to give her informed consent to the proposed abortion, with full knowledge of its nature and consequences." By prohibiting trained medical professionals from giving information to women that is thought to be medically necessary, this bill, contrary to its professed intent, limits a woman's ability to give true informed consent.

This legislation also confuses settled law. The bill deletes current law concerning informed consent for abortion and replaces it with vague and imprecise references to "indicators," "contra-indicators," and "situational factors,"

none of which are defined. The meaning of these terms, and therefore what is required of physicians, is totally unknown, and any change is particularly unnecessary given that informed consent is already required by state law.

This bill prohibits physicians from performing abortions unless they have proof of medical malpractice insurance in an amount of at least \$500,000. Physicians who perform procedures that are as complex or more complex and dangerous as abortions are not required to have such proof. The bill requires women to wait 24 hours after giving informed consent before receiving an abortion. Women do not have to wait 24 hours before undergoing any other comparable procedure. These extra requirements in conjunction with the fact that the General Assembly recently cut all funding for family planning – a move that directly impacts the health of thousands of women in Missouri by denying them primary health care, including cancer screenings and tests for sexually-transmitted diseases – makes clear that this legislation is motivated by animus against the legal, constitutionally-protected choice of each woman rather than by interest in women's health.

Requiring women to wait 24 hours after giving informed consent to undergo an abortion procedure will negatively impact all women, but particularly women who are poor or young, who live in rural areas and have to travel longer distances to an abortion provider, who do not have access to cars and public transportation, and who do not have insurance or sick leave. There are only two licensed abortion facilities in the state, ensuring that the great majority of women in Missouri live a considerable distance away from such a facility. For this reason, requiring a 24-hour wait will ensure that the costs in time and money accrued in order to receive an abortion will rise, and also threatens the health of pregnant women who have to delay an abortion past the date allowed by current law. I refuse to sanction this impact on women, the potential danger to their health, or the demeaning implication that women currently do not make a choice without thinking of the consequences.

For all of the above-stated reasons for disapproval, I am returning **House Substitute for House Committee Substitute for House Bill No. 156** without my approval.

Respectfully submitted,

/s/ Bob Holden
Governor

July 9, 2003

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI:

Herewith I return to you **Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill 257**, entitled:

"AN ACT"

To repeal sections 143.121, 148.330, 340.216, 348.015, 348.430, 348.432, 430.030, 640.700, 640.703, 640.710, 640.715, 640.725, 640.730, 640.735, 640.740, 640.745, 640.747, 640.750, 640.755, 640.758, 644.016, and 644.051, RSMo, and to enact in lieu thereof forty new sections relating to agriculture, with penalty provisions.

I disapprove of **Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill 257**. My reasons for disapproval are as follows:

HB 257 jeopardizes Missouri's delegation from EPA to administer part 122 of the National Pollution Discharge Elimination System Permit Program authorized under Act 33 U.S.C. (the Clean Water Act). In removing the current state statutory authority for regulation of Concentrated Animal Feeding Operations (CAFO), HB 257 fails to reestablish in new sections all of the necessary provisions of federal CAFO regulation, specifically excluding part 122.23 (c) (3) subsections (i and ii) which relate to the designation of an Animal Feeding Operation as a

CAFO. Lack of inclusion of this provision in HB 257 places Missouri out of compliance with the minimum standards established by EPA.

HB 257 violates the Missouri Constitution by specifically delegating responsibility for inspections of ungulates to the Missouri Department of Agriculture. Under Article IV, Section 40(a) of the Missouri Constitution, “The control, management, restoration, conservation and regulation of the bird, fish, game, forestry and all wildlife resources of the state, including hatcheries, sanctuaries, refuges, reservations and all other property owned, acquired or used for such purposes and the acquisition and establishment thereof, and the administration of all laws pertaining thereto, shall be vested in a conservation commission”. The term ungulate refers to all hoofed animals, and thus includes animals within the scope of responsibility of the Missouri Conservation Commission. Because deer, which are a game animal and a native wildlife species within Missouri, are ungulates, the delegation of responsibility for the control and regulation of deer violates the Missouri Constitution.

HB 257 would pass public health related costs of animal agriculture to livestock producers by shifting the costs of inspections made by the Missouri Department of Agriculture for the health and management of domestic and exotic ungulates. Due to the broad definition of ungulates, inspections of animals such as horses and cattle for the benefit of public health, now accomplished with public funds, would be borne by private parties under HB 257. This consequence of the usage of the term ungulate will cost cattle, swine, horse, and other ungulate producers thousands of dollars annually. This provision would have a negative effect on the economics of livestock production for Missouri.

HB 257 fails to hold schools and local government harmless financially when tax credits authorized under Section RSMo 348.430 and 348.432 are used against premium tax liability by Domestic Insurance Companies. Annually, the Commissioner of Administration is directed to apportion funds in the County Stock Fund to the school district, county government and general revenue based upon the ratio of which the rates of levy for the same year for state purposes, for county purposes, and for all school district purposes, bear to each other. The bill states that when the credits are used, only the general revenue portion of the apportionment will be reduced. Historically, all funds from the County Stock Fund have been sent to either the school district or the county government in which the insurance company was domiciled. There has been no apportionment to general revenue from the County Stock Fund. If there is no general revenue apportionment from the county stock fund, and therefore no revenue to offset when credits are used, then the cost of the use of credits by insurance companies would be borne, in great part, by local schools.

While **HB 257** contains provisions that could contribute to the general health of agriculture in Missouri, it’s lack of compliance with federal law, apparent unconstitutionality, imprecision and disregard for the larger welfare of livestock producers call for a veto.

For all of the above stated reasons for disapproval, I am returning **Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill 257** without my approval.

Respectfully submitted,

/s/ Bob Holden
Governor

July 9, 2003

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **House Bill No. 278** entitled:

"AN ACT"

To authorize the conveyance of property along 321 Knaust Road to St. Charles County, Missouri.

I disapprove of said **House Bill No. 278**. My reason for disapproval is as follows:

The identical companion bill to **House Bill No. 278**, (SB No. 130) was already signed into law on July 1, 2003.

For the above stated reason for disapproval, I am returning **House Bill No. 278** without my approval.

Respectfully submitted,

/s/ Bob Holden
Governor

July 9, 2003

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI:

Herewith I return to you **Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Bill No. 327**, entitled:

"AN ACT"

To repeal sections 137.298, 144.062, 191.831, 226.525, 226.535, 227.120, 238.207, 238.210, 238.215, 238.220, 238.222, 238.235, 238.236, 292.602, 301.010, 301.069, 302.225, 302.272, 302.302, 302.304, 302.309, 302.540, 302.700, 302.725, 302.735, 302.740, 302.755, 302.756, 302.760, 302.775, 304.013, 304.015, 304.035, 304.580, 307.125, 307.127, 307.177, 307.400, 389.610, 390.020, 577.023, 577.041, 577.049, 577.054, and 577.520, RSMo, and section 304.157 as enacted by senate bill no. 17, ninetieth general assembly, first regular session, and to enact in lieu thereof fifty-four new sections relating to transportation, with penalty provisions, an emergency clause for certain sections, and an effective date for certain sections.

I disapprove of **Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Bill No. 327**. My reason for disapproval is as follows:

CCS SS SCS HB 327 creates a sales tax exemption on materials purchased for use in Missouri Department of Transportation projects. This exemption reduces revenue to the state, most notably in the General Revenue and School District Trust Funds. These funds will experience considerable decreases in revenue (an estimated \$7,950,000 and \$2,650,000 respectively). At this time, it is not prudent fiscal management to enact measures reducing the amount of General Revenue available to support state programs, or to reduce distributions to schools provided by the School District Trust Fund. Reduced funding for education jeopardizes our commitment to and the progress we have made toward providing quality education to our children. We must protect the state's investment in education. In addition, many state services for elderly, poor, and disabled citizens have already been slashed because of inadequate funding. Additional decreases to the General Revenue Fund resulting from this sales tax exemption will only add to the amount of vital services that must be discontinued for lack of resources.

For the above-stated reason for disapproval, I am returning **Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Bill No. 327** without my approval.

Respectfully submitted,

/s/ Bob Holden
Governor

July 3, 2003

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI:

Herewith I return to you **Senate Substitute for House Substitute for House Committee Substitute for House Bill Nos. 349, 120, 136, & 328**, entitled:

"AN ACT"

To repeal section 571.030, RSMo, and to enact in lieu thereof three new sections relating to concealable weapons, with penalty provisions.

I disapprove of **Senate Substitute for House Substitute for House Committee Substitute for House Bill Nos. 349, 120, 136, & 328**. My reasons for disapproval are as follows:

House Bill Nos. 349, 120, 136, & 328 violates federal law. 18 U.S.C. 922(g)(9) prohibits any person who has been convicted of a misdemeanor crime of domestic violence from possessing or receiving firearms or ammunition. This legislation, however, allows a person who has been convicted of a misdemeanor domestic violence crime to apply for and receive a permit for a concealed weapon. As such, the bill violates a federal law meant to protect victims of domestic violence from their abusers and places concealed weapons into the hands of those who are known to have committed assault in the past.

House Bill Nos. 349, 120, 136, & 328, while allowing permit holders to carry concealed firearms, inadequately protects the public safety interests of other citizens because it allows concealed firearms to be carried into certain places and areas of the state that should be off limits to such weapons. These areas include restaurants and portions of airports, as well as stadiums and sports arenas seating less than 5,000 people such as little league baseball fields. Furthermore, if a person carries a concealed weapon into an area where such weapons are prohibited, this bill states that such unauthorized use of a concealed weapon "is not a criminal act." A person would have to carry an unauthorized concealed weapon into a child care facility and refuse to leave after being asked twice within six months before their permit could even be suspended.

House Bill Nos. 349, 120, 136, & 328 does not provide adequate notice to the public about which places within the state it is permissible to carry concealed weapons. Pursuant to the provisions of this bill, concealed weapons can be carried into police stations and highway patrol offices, bars that serve liquor, elementary and high schools, child care facilities, and churches if the relevant person or entity authorizes it, but the public is not notified of which of these areas allows the use of concealed weapons. Considering the variety of areas in which weapons may be carried, Missouri citizens will never know at any given time whether they are in an area that allows others to carry concealed weapons. Similarly, the bill would not provide notice to citizens with concealed weapon permits as to what areas have been opened to concealed weapons by the decision of the controlling entity.

Many citizens are concerned that this legislation will increase the number of concealed weapons in social areas, including restaurants and bars. Letters that I have received from the Missouri Restaurant Association Trust Fund and individual businesses make clear that those who dine, drink, and work in such establishments will be endangered by this bill.

The citizens of Missouri have already clearly decided that they do not wish to authorize the carrying of concealed weapons in this state. In April of 1999, voters in this state defeated a conceal and carry proposition despite the fact that the proposition would have mandated more firearms training than this bill (twelve hours as opposed to eight), limited reciprocity of the right to carry a concealed weapon to states that had equal requirements for the issuance of a permit (whereas this bill accepts permits from other states regardless of the permit requirements in those states), retained a criminal penalty for armed trespass (as opposed to this bill, which declares that it is not a criminal act to carry a concealed weapon into a prohibited area), and allowed sheriffs to consider juvenile court records when considering an application for a permit (as opposed to this bill, which does not). Despite the fact that the 1999 conceal and carry proposition was more protective of public safety than this legislation, the citizens of this state voted it down.

House Bill Nos. 349, 120, 136, & 328, while seeming to limit the eligible class of people who can receive a permit, fails to do so. The bill does not require sheriffs to make any inquiry into a person's fitness to have a permit other than inquiries "he or she deems necessary." Furthermore, the legislation allows a sheriff to refuse to issue a permit only if the sheriff meets the high standard of determining that the applicant is ineligible or having a "substantial and demonstrable" reason to believe the applicant has made a false statement. Finally, and most importantly, although the bill allows a sheriff to refuse a permit on the grounds that an applicant has been adjudged mentally incompetent five years prior to making the application or was ever committed to a mental health institution, there is no single database that contains such information that a sheriff can use to check. The bill presents a significant risk, therefore, of allowing people with substantial mental impairment to carry concealed weapons.

House Bill Nos. 349, 120, 136, & 328 requires first-time applicants to take and pass an eight-hour program on firearm safety, to complete a live fire exercise, and to submit to a criminal background fingerprint check. However, none of the same is required to renew a permit. The provisions of this bill, therefore, would allow a person to carry a concealed weapon without having any new firearm safety training, without having to show the ability to fire the weapon with any degree of proficiency, and without having received a background check for years on end.

Pursuant to current law, several groups of people are allowed to carry concealed weapons. These groups are trained to use firearms in defense of the safety of others or are at a heightened risk of attack due to their employment. They include state, county, and municipal law enforcement officers; members of the armed forces or national guard performing official duties; state and federal judges; probation and parole officers; and wardens, superintendents, and keepers of prisons. Current law regarding concealed weapons, therefore, strikes an optimal balance between arming those who are in particular danger and who are charged with keeping the peace in Missouri and limiting the number of concealed weapons so that those who protect us are not in greater danger.

House Bill Nos. 349, 120, 136, & 328 provides that "information regarding any holder of a certificate of qualification or a concealed carry endorsement is a closed record." There is absolutely no defensible public policy that justifies keeping this information – which otherwise would be open pursuant to the state's sunshine law – from the public and the press of this state. According to section 610.011, RSMo, "It is the public policy of this state that meetings, records, votes, actions, and deliberations of public bodies be open to the public unless otherwise provided by law." This legislation violates the spirit of that section of our sunshine law.

For all of the above stated reasons for disapproval, I am returning **Senate Substitute for House Substitute for House Committee Substitute for House Bill Nos. 349, 120, 136, & 328** without my approval.

Respectfully submitted,

/s/ Bob Holden
Governor

July 9, 2003

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **House Bill No. 375** entitled:

"AN ACT"

To repeal section 58.451, RSMo, and to enact in lieu thereof one new section relating to coroners' reports.

I disapprove of **House Bill No. 375**. My reasons for disapproval are as follows:

House Bill No. 375 makes a good faith attempt, yet fails, to clarify the rules for determining the place of death and designating responsibility for death investigations under Missouri law. For example, if an individual is transported from our sister state Illinois into Missouri and subsequently expires, neither state, according to the language of this bill, would have jurisdiction to investigate that death or to issue a death certificate.

In addition, **House Bill No. 375** could generate unforeseen and burdensome costs to the counties as it requires small rural counties to both assume the responsibility for any and all death investigations, and to pay for a medical examiner to conduct an autopsy if needed pursuant to an investigation. Currently, these costs are frequently assumed by larger counties in which major trauma centers reside.

Finally, **House Bill No. 375** is silent, and may likely create complications and delays, regarding organ donor programs.

For all of the above stated reasons for disapproval, I am returning **House Bill No. 375** without my approval.

Respectfully submitted,

/s/ Bob Holden
Governor

July 9, 2003

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **House Bill No. 376** entitled:

"AN ACT"

To repeal section 58.096, RSMo, and to enact in lieu thereof one new section relating to deputy coroner compensation.

I disapprove of **House Bill No. 376**. My reason for disapproval is as follows:

The language contained in this bill is similar to the language contained in Senate Bill No. 376, which was also truly agreed to and finally passed during the 2003 regular session and which I signed into law on July 1, 2003. The two bills do not contain *identical* language, however. Indeed, this bill, unlike Senate Bill No. 376, erroneously deletes the phrase "by the provisions of" from subsection 2 of 58.095. I can effectuate the intent of both bills, however, by signing Senate Bill 376 into law, which I have done, and vetoing this bill on technical grounds.

For the above stated reason for disapproval, I am returning **House Bill No. 376** without my approval.

Respectfully submitted,

/s/ Bob Holden
Governor

July 9, 2003

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **House Bill No. 478** entitled:

"AN ACT"

To amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

I disapprove of said **House Bill No. 478**. My reasons for disapproval are as follows:

There are currently available over 100 specialty plates available from which the citizens of Missouri may choose. The fiscal note for this bill indicates that it would cost over \$11,000 to the Department of Revenue for this additional plate alone, and yet the General Assembly appropriated no funds for these costs. Any revenue generated by plate fees would go to the State Highway Fund rather than the Department of Revenue and cannot be given a fair dependable estimate at this time.

Finally, the Missouri law enforcement community has expressed its continued disapproval of specialty plates and the challenges it presents to them in serving Missouri's public safety needs.

For all of the above stated reasons for disapproval, I am returning **House Bill No. 478**.

Respectfully submitted,

/s/ Bob Holden
Governor

July 9, 2003

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **House Committee Substitute for House Bill No. 493** entitled:

"AN ACT"

To amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

I disapprove of said **House Committee Substitute for House Bill No. 493**. My reasons for disapproval are as follows:

There are currently available over 100 specialty plates available from which the citizens of Missouri may choose. The fiscal note for this bill indicates that it would cost over \$10,000 to the Department of Revenue for this additional plate alone, and yet the General Assembly appropriated no funds for these costs. Any revenue generated by plate fees would go to the State Highway Fund rather than the Department of Revenue and cannot be given a fair dependable estimate at this time.

Finally, the Missouri law enforcement community has expressed its continued disapproval of specialty plates and the challenges it presents to them in serving Missouri's public safety needs.

For all of the above stated reasons for disapproval, I am returning **House Committee Substitute for House Bill No. 493**.

Respectfully submitted,

/s/ Bob Holden
Governor

July 9, 2003

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI:

Herewith I return to you **House Bill No. 594**, entitled:

"AN ACT"

To repeal section 233.295, RSMo, and to enact in lieu thereof one new section relating to dissolution of road districts in certain counties.

I disapprove of **House Bill No. 594**. My reason for disapproval is as follows:

Several sections of law provide for the dissolution of road districts. One example is 233.295.2, a section of law that would immediately precede proposed new subsection 233.295.4 set out in this bill. In subsection 2, only registered voters residing within the road district may petition to dissolve the district. In new subsection 4, however, registered voters in the county could vote to dissolve the road district even if they do not live within its boundaries. This technical error may frustrate the right of self-determination for those that reside within a road district in the affected county, and this is particular problem with respect to Jasper county, which contains nine road districts.

For the above-stated reason for disapproval, I am returning **House Bill No. 594** without my approval.

Respectfully submitted,

/s/ Bob Holden
Governor

July 9, 2003

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Senate Substitute for Senate Committee Substitute for House Bill No. 598** entitled:

"AN ACT"

To repeal sections 301.010, 301.130, 301.132, 301.141, 301.142, 301.144, 301.147, 301.456, 301.463, 301.567, 301.3098, 301.4000, 304.013, 307.125, 307.127, 643.310, and 643.315, RSMo, section 307.366 as enacted by conference committee substitute for senate committee substitute for house committee substitute for house bills nos. 603, 722 & 783, ninetieth general assembly, first regular session, section 307.366 as enacted by conference committee substitute for house substitute for senate substitute for senate bill no. 19, ninetieth general assembly, first regular session, and sections 307.366 and 643.315 as truly agreed to and finally passed by senate bill no. 54, ninety-second general assembly, first regular session, and to enact in lieu thereof fifty-one new sections relating to motor vehicle registration, with penalty provisions and an effective date for certain sections.

I disapprove of said **Senate Substitute for Senate Committee Substitute for House Bill No. 598**. My reasons for disapproval are as follows:

Senate Substitute for Senate Committee Substitute for House Bill No. 598 creates 17 additional specialty plates. There are currently available over 100 specialty plates available from which the citizens of Missouri may choose. The fiscal note for this bill indicates that there would be a cost of over \$125,000 to the Department of Revenue to implement the bill's specialty plate provisions, and yet the General Assembly appropriated no funds

for these costs. Any revenue generated by plate fees would go to the State Highway Fund rather than the Department of Revenue and cannot be given a fair dependable estimate at this time.

The Missouri law enforcement community has expressed its continued disapproval of specialty plates and the challenges it presents to them in serving Missouri's public safety needs.

The language in **Senate Substitute for Senate Committee Substitute for House Bill No. 598** erroneously and unintentionally repeals critical provisions within Senate Bill No. 54, which I signed into law on June 19, 2003.

Some of the bill's most worthy provisions are included in bills I have previously signed into law, such as: modifications to inappropriate restrictions on US Veteran motorcycle plates, which is included in House Bill 187, and which I signed into law on June 24, 2003, and modifications to state regulations regarding disabled placards, which is included in Senate Committee Substitute for House Bill No. 491, and which I signed into law on July 3, 2003.

Finally, because this bill originally started as one which merely increased the weight eligibility for motor vehicles for special personalized license plates, the great majority of the bill would be in constitutional peril if signed into law due to violations of the Missouri Constitution's Article III provisions regarding original purpose and single-subject mandates.

Respectfully submitted,

/s/ Bob Holden
Governor

July 11, 2003

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI:

Herewith I return to you **Conference Committee Substitute for Senate Substitute for House Substitute for House Committee Substitute for House Bill Nos. 679 & 396** entitled:

"AN ACT"

To repeal sections 26.740, 43.500, 43.503, 43.506, 43.521, 43.527, 43.530, 43.540, 43.543, 135.327, 168.071, 192.016, 207.050, 207.060, 208.152, 208.204, 210.025, 210.109, 210.110, 210.115, 210.145, 210.152, 210.160, 210.183, 210.201, 210.211, 210.518, 210.565, 210.760, 210.903, 210.909, 210.922, 210.937, 211.031, 211.032, 211.059, 211.171, 211.181, 211.321, 302.272, 352.400, 402.199, 402.200, 402.205, 402.215, 402.217, 453.020, 453.060, 453.110, 475.024, 491.075, 492.304, 537.046, 630.140, 630.167, 630.170, 630.210, and 660.317, RSMo, and to enact in lieu thereof eighty-five new sections relating to the state foster care and protective services for children, with penalty provisions.

I disapprove of **Conference Committee Substitute for Senate Substitute for House Substitute for House Committee Substitute for House Bill Nos. 679 & 396**. My reasons for disapproval are as follows:

With respect to de novo court reviews of agency determinations that a person abused or neglected a child, current law only prohibits the alleged abuser from subpoenaing the victim or the abuse reporter to give testimony. Proposed section 210.152.5 of this bill would also prohibit the division of family services from subpoenaing the victim or the abuse reporter. In many cases, the victim or reporter will have the best or only information regarding an alleged instance of abuse but will be unwilling to testify for a host of reasons, including intimidation by the abuser. If the division is unable to compel testimony, they may be unable to prove that abuse took place, leading to the grave possibility that child abusers may escape identification and continue living and working where children may be exposed to their continued patterns of abuse. This problem is particularly acute considering the new, higher standard of a "preponderance of the evidence" that the division must meet. Pursuant

to this bill, the division is required to shoulder a greater burden of proof while losing one of its most useful tools, the subpoena.

In proposed section 210.025 of this bill, the standard by which a finding of abuse or neglect must be made before the division of family services may deny state or federal funding to an applicant is raised from “probable cause” to “preponderance of the evidence.” No provision denies potential funding to people who were found to have abused or neglected children under the previous standard of probable cause, however. If those who were previously found to have abused or neglected children make a new application for funding and the division of family services is unable to meet the new, higher standard, perhaps because evidence was not retained or because witnesses are no longer available, or because of the problem with section 210.152.5 mentioned above, people who were found to abuse or neglect children will receive state or federal funds. Allowing state and federal money to flow to such people violates the spirit of the bill.

This bill repeals and reenacts section 211.321. In doing so, language that allows a juvenile officer to communicate information important in abuse, neglect, truancy, and delinquency cases to school officials, law enforcement officials, prosecutors, and others who have an interest and can help with the case was deleted. Such communication is critical to the efficient and reasonable conclusion of such cases. Without the authorization to disclose this information to law enforcement, the juvenile officer becomes a silent witness, unable to assist in the apprehension and conviction of child abusers. They will be required to stand idly by while child molesters and abusers escape prosecution. In addition, the juvenile officers would be unable to share vital information with state or local agencies best able to provide or obtain treatment for abused children. This treatment is essential to the mental and physical recovery of the abused or neglected child.

Proposed section 211.059 requires that “[a]ny interrogation of or interview with a child taken into custody by a juvenile officer or law enforcement official based on allegations of child abuse or neglect shall, whenever possible, be audiotape, videotape, or digitally recorded...” Considerable concern has been raised that the required taping of victims who are already severely traumatized by their experiences will intimidate victims such that they will be unable or unwilling to testify. If testimony is chilled, it will directly impact the ability of law enforcement and the department of social service successfully to investigate, prevent, or prosecute abuse and neglect cases.

Proposed section 210.109.3(3) allows school reporters who are required by law to report child abuse and neglect to make anonymous reports. No other mandatory reporter is allowed to report anonymously. There is no public policy that justifies treating school mandatory reporters differently, and the interest of protecting children requires that all reports made by mandatory reporters contain as much information as possible.

For the above-stated reasons for disapproval, I am returning **Conference Committee Substitute for Senate Substitute for House Substitute for House Committee Substitute for House Bill Nos. 679 & 396** without my approval.

Respectfully submitted,

/s/ Bob Holden
Governor

HOUSE BILLS VETOED FROM THE THE FIRST REGULAR SESSION

Speaker Hanaway read the following House Bill vetoed from the First Regular Session: **HS HCS HB 156**.

Speaker Pro Tem Jetton assumed the Chair.

Speaker Hanaway resumed the Chair.

HS HCS HB 156, relating to informed consent for abortion, was taken up by Representative Phillips.

Representative Phillips moved that **HS HCS HB 156** be passed, the objections of the Governor thereto notwithstanding.

Which motion was adopted by the following vote:

AYES: 121

Angst	Avery	Baker	Barnitz	Bean
Bearden	Behnen	Bivins	Black	Bough
Bringer	Brown	Bruns	Burnett	Byrd
Cooper 120	Cooper 155	Crawford	Crowell	Cunningham 145
Cunningham 86	Daus	Davis 122	Davis 19	Deeken
Dempsey	Dethrow	Dixon	Dougherty	Dusenberg
Emery	Engler	Ervin	Goodman	Green
Guest	Hampton	Harris 110	Henke	Hobbs
Holand	Hunter	Ice	Jackson	Jetton
Kelly 144	Kelly 36	King	Kingery	Kratky
Kuessner	Lager	Lawson	Lembke	LeVota
Liese	Lipke	Luetkemeyer	Marsh	May
Mayer	McKenna	Meiners	Miller	Moore
Morris	Muckler	Munzlinger	Myers	Nieves
Parker	Pearce	Phillips	Portwood	Pratt
Purgason	Quinn	Ransdall	Rector	Reinhart
Richard	Roark	Ruestman	Rupp	Salva
Sander	Schaaf	Schlottach	Schneider	Schoemehl
Seigfreid	Selby	Self	Shoemaker	Shoemyer
Smith 118	Smith 14	Spreng	St. Onge	Stefanick
Stevenson	Sutherland	Taylor	Threlkeld	Townley
Viebrock	Villa	Vogt	Wagner	Wallace
Walsh	Ward	Wasson	Wildberger	Wilson 119
Wilson 130	Wood	Wright	Yaeger	Yates
Madam Speaker				

NOES: 038

Abel	Bishop	Bland	Boykins	Brooks
Campbell	Carnahan	Corcoran	Curls	Darrough
Donnelly	El-Amin	Fares	Fraser	Graham
Haywood	Hilgemann	Hoskins	Hubbard	Johnson 47
Johnson 61	Johnson 90	Jolly	Jones	Lowe
Page	Sager	Skaggs	Thompson	Walker
Walton	Whorton	Willoughby	Wilson 25	Wilson 42
Witte	Young	Zweifel		

PRESENT: 000

ABSENT WITH LEAVE: 002

George Harris 23

VACANCIES: 002

Speaker Hanaway read the following House Bill vetoed from the First Regular Session: **SS HS HCS HBs 349, 120, 136 & 328**.

SS HS HCS HBs 349, 120, 136 & 328, relating to concealed firearms, was taken up by Representative Crawford.

Representative Crawford moved that **SS HS HCS HBs 349, 120, 136 & 328** be passed, the objections of the Governor thereto notwithstanding.

Which motion was adopted by the following vote:

AYES: 115

Abel	Angst	Avery	Baker	Barnitz
Bean	Bearden	Behnen	Bivins	Black
Bough	Bringer	Brown	Bruns	Byrd
Cooper 120	Cooper 155	Crawford	Crowell	Cunningham 145
Cunningham 86	Davis 122	Davis 19	Deeken	Dempsey
Dethrow	Dixon	Dougherty	Dusenberg	Emery
Engler	Ervin	Goodman	Green	Guest
Hampton	Harris 110	Henke	Hobbs	Holand
Hunter	Icet	Jackson	Jetton	Johnson 47
Kelly 144	Kelly 36	King	Kingery	Kuessner
Lager	Lawson	Lembke	LeVota	Liese
Lipke	Luetkemeyer	Marsh	May	Mayer
McKenna	Miller	Moore	Morris	Munzlinger
Myers	Nieves	Parker	Pearce	Phillips
Portwood	Pratt	Purgason	Quinn	Ransdall
Rector	Reinhart	Richard	Roark	Ruestman
Rupp	Sager	Salva	Sander	Schaaf
Schlottach	Schneider	Seigfreid	Selby	Self
Shoemaker	Shoemyer	Smith 118	Smith 14	St. Onge
Stefanick	Stevenson	Sutherland	Taylor	Threlkeld
Townley	Viebrock	Wagner	Wallace	Ward
Wasson	Whorton	Wilson 119	Wilson 130	Witte
Wood	Wright	Yates	Young	Madam Speaker

NOES: 043

Bishop	Bland	Boykins	Brooks	Burnett
Campbell	Carnahan	Corcoran	Curls	Darrrough
Daus	Donnelly	El-Amin	Fares	Fraser
Graham	Haywood	Hilgemann	Hoskins	Hubbard
Johnson 61	Johnson 90	Jolly	Jones	Lowe
Meiners	Muckler	Page	Schoemehl	Skaggs
Spreng	Thompson	Villa	Vogt	Walker
Walsh	Walton	Wildberger	Willoughby	Wilson 25
Wilson 42	Yaeger	Zweifel		

PRESENT: 001

Kratky

ABSENT WITH LEAVE: 002

George Harris 23

VACANCIES: 002

MESSAGE FROM THE SENATE

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SR 1**.

SENATE RESOLUTION NO. 1

BE IT RESOLVED by the Senate that the Secretary of Senate inform the House of Representatives that the Senate is duly convened and is now in session as provided by Section 32, Article III of the Constitution and is ready for the consideration of its business.

On motion of Representative Crowell, the House recessed until 1:00 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Hanaway.

HOUSE BILLS VETOED FROM THE FIRST REGULAR SESSION

Speaker Hanaway read the following House Bills vetoed from the First Regular Session: **CCS SCS HS HB 2, CCS SCS HS HB 3, CCS SCS HS HB 10, CCS SCS HS HB 11 and SS SCS HCS HB 257.**

SS SCS HCS HB 257, relating to tax credits, was taken up by Representative Munzlinger.

Representative Munzlinger moved that **SS SCS HCS HB 257** be passed, the objections of the Governor thereto notwithstanding.

Which motion was defeated by the following vote:

AYES: 096

Angst	Avery	Baker	Barnitz	Bean
Bearden	Behnen	Bivins	Black	Bough
Bringer	Brown	Bruns	Byrd	Cooper 120
Cooper 155	Crawford	Crowell	Cunningham 145	Cunningham 86
Davis 122	Davis 19	Deeken	Dempsey	Dethrow
Dixon	Dusenberg	Emery	Engler	Ervin
Fares	Goodman	Guest	Hobbs	Holand
Hunter	Ice	Jackson	Jetton	Johnson 47
Kelly 36	King	Kingery	Lager	Lawson
Lipke	Luetkemeyer	Marsh	May	Mayer
Miller	Moore	Morris	Munzlinger	Myers

Nieves	Parker	Pearce	Phillips	Portwood
Pratt	Purgason	Quinn	Rector	Reinhart
Richard	Roark	Ruestman	Rupp	Salva
Sander	Schaaf	Schlottach	Schneider	Seigfreid
Self	Shoemaker	Smith 118	Smith 14	St. Onge
Stefanick	Stevenson	Sutherland	Taylor	Threlkeld
Townley	Viebrock	Wallace	Wasson	Whorton
Wilson 119	Wilson 130	Witte	Wright	Yates
Madam Speaker				

NOES: 059

Abel	Bishop	Bland	Boykins	Brooks
Burnett	Campbell	Carnahan	Corcoran	Curls
Darrough	Daus	Donnelly	Dougherty	El-Amin
Fraser	Graham	Green	Harris 110	Haywood
Henke	Hilgemann	Hoskins	Hubbard	Johnson 61
Johnson 90	Jolly	Jones	Kratky	Kuessner
Lembke	LeVota	Liese	Lowe	McKenna
Meiners	Muckler	Ransdall	Schoemehl	Selby
Shoemyer	Skaggs	Spreng	Thompson	Villa
Vogt	Wagner	Walker	Walsh	Walton
Ward	Wildberger	Willoughby	Wilson 25	Wilson 42
Wood	Yaeger	Young	Zweifel	

PRESENT: 001

Hampton

ABSENT WITH LEAVE: 005

George	Harris 23	Kelly 144	Page	Sager
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VACANCIES: 002

Representative Stevenson requested a verification of the roll call on the motion to pass **SS SCS HCS HB 257**, the objections of the Governor thereto notwithstanding.

The Speaker read the following House Bills vetoed from the First Regular Session: **HB 278** and **CCS SS SCS HB 327**.

CCS SS SCS HB 327, relating to highway construction and maintenance, was taken up by Representative Lipke.

Representative Lipke moved that **CCS SS SCS HB 327** be passed, the objections of the Governor thereto notwithstanding.

Which motion was defeated by the following vote:

AYES: 091

Angst	Avery	Baker	Barnitz	Bean
Bearden	Behnen	Bivins	Black	Bough
Brown	Bruns	Byrd	Cooper 120	Cooper 155

Crawford	Crowell	Cunningham 145	Cunningham 86	Davis 19
Deeken	Dempsey	Dethrow	Dixon	Dusenberg
Emery	Engler	Ervin	Goodman	Guest
Hobbs	Holand	Hunter	Iceet	Jackson
Jetton	Johnson 47	Kelly 144	King	Kingery
Lager	Lawson	Lembke	Lipke	Luetkemeyer
Marsh	May	Mayer	Miller	Moore
Morris	Munzlinger	Myers	Nieves	Parker
Pearce	Phillips	Portwood	Pratt	Purgason
Quinn	Rector	Reinhart	Richard	Roark
Ruestman	Rupp	Sander	Schaaf	Schlottach
Schneider	Self	Shoemaker	Smith 118	Smith 14
St. Onge	Stefanick	Stevenson	Sutherland	Taylor
Threlkeld	Townley	Viebrock	Wallace	Wasson
Wilson 119	Wilson 130	Wood	Wright	Yates
Madam Speaker				

NOES: 068

Abel	Bishop	Bland	Boykins	Bringer
Brooks	Burnett	Campbell	Carnahan	Corcoran
Curls	Darrough	Daus	Davis 122	Donnelly
Dougherty	El-Amin	Fares	Fraser	Graham
Green	Hampton	Harris 110	Haywood	Henke
Hilgemann	Hoskins	Hubbard	Johnson 61	Johnson 90
Jolly	Jones	Kelly 36	Kratky	Kuessner
LeVota	Liese	Lowe	McKenna	Meiners
Muckler	Page	Ransdall	Sager	Salva
Schoemehl	Seigfreid	Selby	Shoemyer	Skaggs
Spreng	Thompson	Villa	Vogt	Wagner
Walker	Walsh	Walton	Ward	Whorton
Wildberger	Willoughby	Wilson 25	Wilson 42	Witte
Yaeger	Young	Zweifel		

PRESENT: 000

ABSENT WITH LEAVE: 002

George Harris 23

VACANCIES: 002

The Speaker read the following House Bills vetoed from the First Regular Session: **HB 375**, **HB 376** and **HB 478**.

HB 478, relating to a special license plate, was taken up by Representative Moore.

Representative Moore moved that **HB 478** be passed, the objections of the Governor thereto notwithstanding.

Which motion was defeated by the following vote:

AYES: 091

Angst	Avery	Baker	Bean	Bearden
Behnen	Bivins	Black	Bough	Brown
Bruns	Byrd	Cooper 120	Cooper 155	Crawford
Crowell	Cunningham 145	Cunningham 86	Davis 19	Deeken
Dempsey	Dethrow	Dixon	Dougherty	Emery
Engler	Ervin	Fares	Goodman	Guest
Hobbs	Holand	Hunter	Iceet	Jackson
Jetton	Johnson 47	Kelly 144	King	Kingery
Lager	Lawson	Lembke	Lipke	Luetkemeyer
Marsh	May	Mayer	Miller	Moore
Morris	Munzlinger	Myers	Nieves	Parker
Pearce	Phillips	Portwood	Purgason	Quinn
Rector	Reinhart	Richard	Roark	Ruestman
Rupp	Salva	Sander	Schaaf	Schlottach
Schneider	Self	Shoemaker	Smith 14	St. Onge
Stefanick	Stevenson	Sutherland	Taylor	Threlkeld
Townley	Viebrock	Wallace	Walton	Wasson
Whorton	Wilson 119	Wilson 130	Wood	Wright
Madam Speaker				

NOES: 065

Abel	Barnitz	Bishop	Bland	Boykins
Bringer	Burnett	Campbell	Carnahan	Corcoran
Curls	Darrough	Daus	Davis 122	Donnelly
Dusenberg	El-Amin	Fraser	Graham	Green
Hampton	Harris 110	Henke	Hilgemann	Hoskins
Hubbard	Johnson 61	Johnson 90	Jolly	Jones
Kelly 36	Kratky	Kuessner	LeVota	Liese
Lowe	McKenna	Meiners	Muckler	Page
Ransdall	Sager	Schoemehl	Seigfreid	Selby
Shoemyer	Skaggs	Smith 118	Spreng	Thompson
Villa	Vogt	Wagner	Walker	Walsh
Ward	Wildberger	Willoughby	Wilson 25	Wilson 42
Witte	Yaeger	Yates	Young	Zweifel

PRESENT: 000

ABSENT WITH LEAVE: 005

Brooks	George	Harris 23	Haywood	Pratt
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VACANCIES: 002

Speaker Hanaway read the following House Bills vetoed from the First Regular Session **HCS HB 493** and **HB 594**.

HB 594, relating to dissolution of road districts, was taken up by Representative Emery.

Representative Emery moved that **HB 594** be passed, the objections of the Governor thereto notwithstanding.

Which motion was defeated by the following vote:

AYES: 092

Angst	Avery	Baker	Bean	Bearden
Behnen	Bivins	Black	Bough	Brown
Bruns	Byrd	Cooper 120	Cooper 155	Crawford
Crowell	Cunningham 145	Cunningham 86	Davis 19	Deeken
Dempsey	Dethrow	Dixon	Dougherty	Dusenberg
Emery	Engler	Ervin	Fares	Goodman
Guest	Harris 110	Hobbs	Holand	Hunter
Iceet	Jackson	Jetton	Johnson 47	Kelly 144
King	Kingery	Lager	Lembke	Lipke
Luetkemeyer	Marsh	May	Mayer	Miller
Moore	Morris	Munzlinger	Myers	Nieves
Parker	Pearce	Phillips	Portwood	Purgason
Quinn	Rector	Reinhart	Richard	Roark
Ruestman	Rupp	Sander	Schaaf	Schlottach
Schneider	Self	Shoemaker	Smith 118	Smith 14
St. Onge	Stefanick	Stevenson	Sutherland	Taylor
Threlkeld	Townley	Viebrock	Wallace	Wasson
Whorton	Wilson 119	Wilson 130	Wood	Wright
Yates	Madam Speaker			

NOES: 065

Abel	Barnitz	Bishop	Bland	Boykins
Bringer	Burnett	Campbell	Carnahan	Corcoran
Curls	Darrough	Daus	Davis 122	Donnelly
El-Amin	Fraser	Graham	Green	Hampton
Haywood	Henke	Hilgemann	Hoskins	Hubbard
Johnson 61	Johnson 90	Jolly	Jones	Kelly 36
Kratky	Kuessner	Lawson	LeVota	Liese
Lowe	McKenna	Meiners	Muckler	Page
Ransdall	Sager	Salva	Schoemehl	Seigfreid
Selby	Shoemyer	Skaggs	Spreng	Thompson
Villa	Vogt	Wagner	Walker	Walsh
Walton	Ward	Wildberger	Willoughby	Wilson 25
Wilson 42	Witte	Yaeger	Young	Zweifel

PRESENT: 000

ABSENT WITH LEAVE: 004

Brooks	George	Harris 23	Pratt
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VACANCIES: 002

Speaker Hanaway read the following House Bill vetoed from the First Regular Session: **SS SCS HB 598**.

Representative Crowell assumed the Chair.

SS SCS HB 598, relating to special license plates, was taken up by Representative Schlottach.

Representative Schlottach moved that **SS SCS HB 598** be passed, the objections of the Governor thereto notwithstanding.

Which motion was defeated by the following vote:

AYES: 090

Angst	Avery	Baker	Bean	Bearden
Behnen	Bivins	Black	Bough	Brown
Bruns	Byrd	Cooper 120	Cooper 155	Crawford
Crowell	Cunningham 145	Cunningham 86	Davis 19	Deeken
Dempsey	Dethrow	Dixon	Dougherty	Emery
Engler	Ervin	Fares	Goodman	Guest
Hobbs	Holand	Hunter	Ice	Jackson
Jetton	Johnson 47	Kelly 144	King	Kingery
Lager	Lawson	Lembke	Lipke	Luetkemeyer
May	Mayer	Miller	Moore	Morris
Munzlinger	Myers	Nieves	Parker	Pearce
Phillips	Portwood	Pratt	Purgason	Quinn
Rector	Reinhart	Richard	Roark	Ruestman
Rupp	Salva	Sander	Schaaf	Schlottach
Schneider	Self	Shoemaker	Smith 14	St. Onge
Stefanick	Stevenson	Sutherland	Taylor	Threlkeld
Townley	Viebrock	Wallace	Wasson	Whorton
Wilson 119	Wilson 130	Wood	Wright	Madam Speaker

NOES: 067

Abel	Barnitz	Bishop	Bland	Boykins
Bringer	Burnett	Campbell	Carnahan	Corcoran
Curls	Darrough	Daus	Davis 122	Donnelly
Dusenberg	El-Amin	Fraser	Graham	Green
Hampton	Harris 110	Haywood	Henke	Hilgemann
Hoskins	Hubbard	Johnson 61	Johnson 90	Jolly
Jones	Kelly 36	Kratky	Kuessner	LeVota
Liese	Lowe	McKenna	Meiners	Muckler
Page	Ransdall	Sager	Schoemehl	Seigfreid
Selby	Shoemyer	Skaggs	Smith 118	Spreng
Thompson	Villa	Vogt	Wagner	Walker
Walsh	Walton	Ward	Wildberger	Willoughby
Wilson 25	Wilson 42	Witte	Yaeger	Yates
Young	Zweifel			

PRESENT: 000

ABSENT WITH LEAVE: 004

Brooks	George	Harris 23	Marsh
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VACANCIES: 002

Representative Crowell read the following House Bill vetoed from the First Regular Session: **CCS SS HS HCS HBs 679 & 396**.

CCS SS HS HCS HBs 679 & 396, relating to foster care, was taken up by Representative Hanaway.

Representative Hanaway moved that **CCS SS HS HCS HBs 679 & 396** be passed, the objections of the Governor thereto notwithstanding.

Which motion was defeated by the following vote:

AYES: 096

Angst	Avery	Baker	Bean	Bearden
Behnen	Bivins	Black	Bough	Brown
Bruns	Byrd	Cooper 120	Cooper 155	Corcoran
Crawford	Crowell	Cunningham 145	Cunningham 86	Davis 19
Deeken	Dempsey	Dethrow	Dixon	Dougherty
Dusenberg	Emery	Engler	Ervin	Fares
Goodman	Guest	Harris 110	Hobbs	Holand
Hunter	Ice	Jackson	Jetton	Johnson 47
Kelly 144	King	Kingery	Lager	Lembke
Lipke	Luetkemeyer	May	Mayer	Miller
Moore	Morris	Munzlinger	Myers	Nieves
Parker	Pearce	Phillips	Portwood	Pratt
Purgason	Quinn	Rector	Reinhart	Richard
Roark	Ruestman	Rupp	Sager	Sander
Schaaf	Schlottach	Schneider	Self	Shoemaker
Smith 118	Smith 14	St. Onge	Stefanick	Stevenson
Sutherland	Taylor	Threlkeld	Townley	Viebrock
Wallace	Ward	Wasson	Whorton	Wilson 119
Wilson 130	Wood	Wright	Yates	Young
Madam Speaker				

NOES: 054

Abel	Barnitz	Bishop	Bland	Bringer
Brooks	Burnett	Campbell	Carnahan	Curls
Darrough	Daus	Davis 122	Donnelly	Fraser
Graham	Green	Hampton	Haywood	Henke
Hilgemann	Hoskins	Hubbard	Johnson 90	Jolly
Jones	Kelly 36	Kuessner	LeVota	Liese
Lowe	Meiners	Muckler	Page	Ransdall
Salva	Schoemehl	Seigfreid	Selby	Shoemyer
Skaggs	Spreng	Thompson	Villa	Vogt
Walker	Walton	Wildberger	Willoughby	Wilson 25
Wilson 42	Witte	Yaeger	Zweifel	

PRESENT: 000

ABSENT WITH LEAVE: 011

Boykins	El-Amin	George	Harris 23	Johnson 61
Kratky	Lawson	Marsh	McKenna	Wagner
Walsh				

VACANCIES: 002

Representative Wright requested verification of the roll call on the motion to pass **CCS SS HS HCS HBs 679 & 396**, the objection of the Governor thereto notwithstanding.

Speaker Hanaway resumed the Chair.

HOUSE RESOLUTION

Representative Crowell offered **House Resolution No. 2** which was read.

HOUSE RESOLUTION NO. 2

BE IT RESOLVED by the House of Representatives, that the Chief Clerk of the House inform the Senate that the House, having been duly convened as provided by Section 32, Article III of the Constitution, made no motions to override the Governor's vetoes on **CCS SCS HS HB 2, CCS SCS HS HB 3, CCS SCS HS HB 10, CCS SCS HS HB 11, HB 278, HB 375, HB 376** and **HCS HB 493** when the bills were called by the Speaker.

Representative Crowell moved that Rule 59 be suspended to allow for the adoption of **House Resolution No. 2**.

Which motion was adopted by the following vote:

AYES: 150

Abel	Angst	Avery	Baker	Barnitz
Bean	Bearden	Behnen	Bishop	Bivins
Black	Bland	Bough	Boykins	Bringer
Brooks	Brown	Bruns	Burnett	Byrd
Campbell	Carnahan	Cooper 120	Cooper 155	Corcoran
Crawford	Crowell	Cunningham 145	Cunningham 86	Curls
Darrough	Daus	Davis 122	Davis 19	Deeken
Dempsey	Dethrow	Dixon	Donnelly	Dougherty
Dusenberg	El-Amin	Emery	Engler	Ervin
Fares	Fraser	Goodman	Green	Guest
Hampton	Harris 110	Haywood	Henke	Hilgemann
Hobbs	Hoskins	Hubbard	Hunter	Iceet
Jackson	Jetton	Johnson 47	Johnson 61	Johnson 90
Jolly	Jones	Kelly 144	Kelly 36	King
Kingery	Kratky	Kuessner	Lager	Lembke
LeVota	Liese	Lipke	Lowe	Luetkemeyer
May	Mayer	McKenna	Meiners	Miller
Moore	Morris	Muckler	Munzlinger	Myers
Nieves	Page	Parker	Pearce	Phillips
Portwood	Pratt	Purgason	Quinn	Ransdall
Rector	Reinhart	Richard	Roark	Ruestman
Rupp	Sander	Schaaf	Schlottach	Schneider
Schoemehl	Seigfreid	Selby	Self	Shoemaker
Shoemyer	Smith 118	Smith 14	Spreng	St. Onge
Stefanick	Stevenson	Sutherland	Taylor	Thompson
Threlkeld	Viebrock	Villa	Vogt	Wagner
Walker	Wallace	Walsh	Walton	Ward
Wasson	Whorton	Willoughby	Wilson 119	Wilson 130
Wilson 25	Wilson 42	Witte	Wood	Wright
Yaeger	Yates	Young	Zweifel	Madam Speaker

NOES: 002

Sager Skaggs

PRESENT: 000

ABSENT WITH LEAVE: 009

George
Marsh

Graham
Salva

Harris 23
Townley

Holand
Wildberger

Lawson

VACANCIES: 002

On motion of Representative Crowell, **House Resolution No. 2** was adopted.

ADJOURNMENT

On motion of Representative Crowell, the House adjourned until Thursday, September 11, 2003, upon the recess of the extraordinary session.